

REMARKS

Applicant acknowledges the rejection of Claims 39 and 42-44 under 35 U.S.C. 102(e) with a right to traverse. Applicant also acknowledges the rejection of Claims 24-38, 40, 41, 45 and 46 under 35 U.S.C. 103(a) with a right to traverse. Claim 39 is currently amended; and Claims 24-46 are pending. Applicant respectfully requests further examination and reconsideration of the rejections for the reasons stated below.

§102 Rejections of the Claims

Claims 39 and 42-44 are rejected under 35 USC 102(e) as being unpatentable over US Patent Publication No. 2002/0168178 (hereinafter "Rodriguez"). Applicant respectfully traverses in view of the following.

Currently amended independent Claim 39 recites an electronic device for simultaneously caching content data via multiple channels, the electronic device including a plurality of tuners, a caching device coupled to the plurality of tuners, a processor, and a memory which comprises a set of instructions, when executed by the processor, executes a method comprising: selecting a first set of channels in response to viewing requests; assigning a first set of tuners for the first set of channels; automatically selecting a second set of channels based on a preconfigured list of favorite channels and a number of spare tuners; automatically assigning the number of

spare tuners for the second set of channels; and simultaneously caching content data using the caching device from the first set of channels and the second set of channels, as claimed.

The rejection alleges that Rodriguez discloses the limitations of “selecting a second set of channels based on a preconfigured list of favorite channels; assigning a second set of tuners for the second set of channels ([0107]-[0118], [0137], Figs. 12A-C” and “simultaneously caching content data using the caching device from the first set of channels and the second set of channels [0049], [0099], [0130]-[0133],” as recited in previously presented Claim 39. However, Applicant respectfully submits that Rodriguez fails to teach or suggest the limitations of “automatically selecting a second set of channels based on a preconfigured list of favorite channels and a number of spare tuners” and “assigning the number of spare tuners for the second set of channels,” as recited in currently amended Claim 39.

Unlike Claim 39 which recites automatically selecting and assigning a second set of channels based on a preconfigured list of favorite channels and a number of spare tuners, Rodriguez merely discloses a possibility of a favorite channel list being an input for controlling rules for selecting channels or tuners. However, Rodriguez fails to teach or suggest the claimed limitations of automatically putting spare tuners in use by assigning them to favorite channels, as claimed.

Furthermore, Applicant respectfully asserts that Rodriguez fails to teach or suggest the claimed limitations of “simultaneously caching content data using the caching device from the first set of channels and the second set of channels.” The cited passages of Rodriguez (e.g., [0049], [0099], [0130]-[0133]) merely disclose simultaneous receipt of multiple signals at different carrier frequencies for different services using multiple tuners, whereas Claim 39 recites simultaneous tuning and/or caching of user requested channels and automatically selected favorite channels, as claimed. Since Rodriguez fails to teach or suggest each and every element recited in Claim 39, Applicant respectfully requests the withdrawal of the rejection. Since Claims 42-44 depend on independent Claim 39, Applicant respectfully asserts that Claims 42-44 overcome the rejections of record for at least the rationale previously presented with respect to Claim 39 and additional features they recite, and respectfully solicits allowance of these Claims.

Accordingly, allowance of Claims 39 and 42-44 is earnestly solicited.

§103 Rejections of the Claims

Claims 24-28 and 30-38 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Rodriguez in view of U.S. Patent Publication No. 2004/0001081 (hereinafter “Marsh”) and further in view of U.S. Patent Publication No. 2002/0188948 (hereinafter “Florence”). Applicant respectfully traverses in view of the following.

Applicant respectfully submits that the rejection fails to establish a prima facie case of obviousness since the combined references of Rodriguez, in view of Marsh and further yet in view of Florence fail to teach each and every element of the Claims.

Independent Claim 24 recites a method for simultaneously caching content data via multiple channels in an electronic device which comprises, in response to a user specifically selecting a first channel to watch, allocating the first channel to a tuner, accessing prioritization data specifying a prioritization of a list of favorite channels associated with the electronic device, automatically selecting a plurality of favorite channels from the list of favorite channels based on the prioritization data and a number of spare tuners, automatically assigning the plurality of favorite channels to the number of spare tuners, and simultaneously caching in a memory content data from the first channel and from the plurality of favorite channels, as claimed.

The rejection states that the combined references teach or suggest the claimed limitations of “automatically selecting and assigning a plurality of favorite channels” as “Florence teaches the automatic generation and storage of favorite channels based on viewing habits” although “the combination of Rodriguez and Marsh still fail to explicitly disclose automatically selecting and automatically assigning a plurality of favorite channels.”

However, Applicant respectfully asserts that Florence fails to correct the deficiencies of the combination of Rodriguez and Marsh in that Florence fails to teach or suggest the claimed limitations of automatically selecting and assigning a plurality of favorite channels based on the prioritization data and a number of spare tuners. That is, the combined references disclose neither the automatic nature of the favorite channel selection nor the favorite channel assignment based on the number of spare tuners, as claimed. Since the combined references fail to teach each and every element of Claim 24, Applicant respectfully requests the withdrawal of the rejection. Since Claims 25-28, 30 and 33 depend on independent Claim 24, Applicant respectfully asserts that these Claims overcome the rejections of record for at least the rationale previously presented with respect to Claim 24 and additional features they recite, and respectfully solicits allowance of these Claims.

Independent Claim 34 recites at least those features similar to that of Claim 24 and is therefore patentable over the cited references for the same reasons. As such, allowance of Claim 34 is earnestly solicited. With respect to remaining Claims that depend on Claim 34, Applicant respectfully asserts that the Claims overcome the rejections of record for at least the rationale previously presented with respect to the independent Claim and for the additional features they recite, and respectfully solicits allowance of these Claims.

Claim 29 is rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Rodriguez in view of Marsh and Florence and further in view of U.S. Patent Publication No. 2003/0030755 (hereinafter "Ahn"). Since Claim 29 depends on Claim 24, Applicant respectfully asserts that the Claim overcomes the rejections of record for at least the rationale previously presented with respect to the independent Claim and for the additional features it recites, and respectfully solicits allowance of the Claim.

Claims 40-41 and 46 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Rodriguez in view of Marsh. Since Claims 40-41 and 46 depend on Claim 39, Applicant respectfully asserts that the Claims overcome the rejections of record for at least the rationale previously presented with respect to the independent Claim and for the additional features they recite, and respectfully solicits allowance of the Claims.

Claim 45 is rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Rodriguez in view of Ahn. Since Claim 45 depends on Claim 39, Applicant respectfully asserts that the Claim overcomes the rejections of record for at least the rationale previously presented with respect to the independent Claim and for the additional features it recites, and respectfully solicits allowance of the Claim.

Accordingly, allowance of Claims 24-38, 40, 41, 45 and 46 is earnestly solicited.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present application. Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,

Murabito, Hao & Barnes LLP

Date 3-03-09

By /Steve S. Ko/
Steve S. Ko
Reg. No. 58,757

Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060